Commission on the Limits of the Continental Shelf

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Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The sixteenth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters from 29 August to 16 September 2005, pursuant to the decision taken at its fourteenth session (CLCS/42, para. 53) and paragraph 29 of General Assembly resolution 59/24, of 17 November 2004.

2. The following 20 members of the Commission attended the session: Hilal Mohamed Sultan Al-Azri, Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Indurlall Fagoonee, Noel Newton St. Claver Francis, Mihai Silviu German, Abu Bakar Jaafar, Mladen Juračić, Yuri Borisovitch Kazmin, Wenzheng Lu, Yong-Ahn Park, Fernando Manuel Maia Pimentel, Philip Alexander Symonds, Kensaku Tamaki, Naresh Kumar Thakur and Yao Ubuènalè Woeledji.

3. Samuel Sona Betah did not attend the session.

4. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.19);

(b) Statement by the Chairman of the Commission on the progress of work at its fifteenth session (CLCS/44);

(c) Submission of Brazil dated 17 May 2004 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission;

(d) Submission of Australia dated 15 November 2004 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission;

(e) Submission of Ireland dated 25 May 2005 made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea and addressed through the Secretary-General to the Commission;

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(f) Communication from India dated 5 July 2005 concerning the submission of Australia;

(g) Note verbale dated 23 August 2005 from the Permanent Mission of Brazil to the United Nations concerning the participation of the representatives of Brazil in relevant meetings without the right to vote;

(h) Communications from Denmark and Iceland dated 19 August and 24 August 2005, respectively, concerning the submission of Ireland;

(i) Letter dated 25 August 2005 from the Legal Counsel of the United Nations conveying the legal opinion requested by the Commission on the following question:

> "Is it permissible, under the United Nations Convention on the Law of the Sea and the rules of procedure of the Commission, for a coastal State, which has made a submission to the Commission in accordance with article 76 of the Convention, to provide to the Commission in the course of the examination by it of the submission, additional material and information relating to the limits of its continental shelf or substantial part thereof, which constitute a significant departure from the original limits and formulae lines that were given due publicity by the Secretary-General of the United Nations in accordance with rule 50 of the rules of procedure of the Commission?"

(j) Note by the Secretariat on the internal guidelines of the Commission.

Item 1
Opening of the sixteenth session by the Chairman of the Commission

5. The meeting was opened by the Chairman of the Commission, Peter F. Croker, who welcomed to the session Nicolas Michel, Under-Secretary-General for Legal Affairs, the Legal Counsel.

Statement by the Legal Counsel

6. In addressing the Commission, the Legal Counsel pointed out that as the Commission started considering a new submission at each session, matters were becoming more complex and the Commission's workload had been increasing at a steady pace. That was evidenced by the Commission's request for a legal opinion, to which he had provided a response before the beginning of the sixteenth session. The Legal Counsel expressed his hope that the opinion would be of assistance to the Commission.

7. In that connection, the Legal Counsel referred to a paper entitled "Clarifications to the Legal Counsel regarding the consultations in the Commission on the limits of the Continental Shelf contained in CLCS/44", which had been submitted to him in June by the representatives of Brazil and which had also been transmitted to the Chairman of the Commission. He noted that that paper raised one question directly related to the legal opinion, namely whether a substantive change in some of the particulars of the outer limit of its continental shelf should be given due publicity. He invited the Commission to take into account the considerations laid out in the legal opinion in reference to the issue.

8. The Legal Counsel further referred to the information note prepared by the Secretariat in response to the request by the Commission at its previous session, containing proposals that the Commission might wish to consider when discussing the text of internal guidelines that would set ethical standards expected of the members of the Commission. He hoped that the Commission would consider and adopt at the current session such internal guidelines, emphasizing that they, however, should not modify or otherwise affect the rights, duties and obligations of the members of the Commission under the Convention or the rules of procedure of the Commission.

9. The Legal Counsel drew the attention of the Commission to the fact that during the fifteenth Meeting of States Parties to the Convention held in June 2005, several delegations, in particular those whose submissions had already been made to the Commission, had expressed concern regarding the consistency of rule 52 of the rules of procedure of the Commission with the provisions of article 5 of annex II to the Convention. He invited the Commission to review the issue with all the attention it deserved.

10. He addressed the subject of the support provided by the secretariat to the Commission, recalling that the secretariat had made significant efforts to accommodate the needs of the Commission and that, during the fifteenth session, the Director of the Division for Ocean Affairs and the Law of the Sea invited the Commission to inform the secretariat of its additional requirements. He pointed out that at the fifteenth Meeting of States Parties, the Chairman of the Commission had made, in addition to his traditional statement, a presentation on the projected workload of the Commission. As the presentation had addressed the matter in general terms, the Meeting did not take any decisions on the issue. The Legal Counsel informed the Commission that the Chairman had addressed a letter to the Legal Counsel on 6 July 2005, in which he had submitted a consolidated list of outstanding requirements regarding personnel and computer hardware and software applications. He also informed the members that the Commission's request for additional Geographic Information System (GIS) specialists had already been partly addressed in the draft budget proposal. Regarding hardware and software, in the absence of any recommendation of the Meeting of States Parties to the General Assembly, he said that the Secretariat would have to assess how to accommodate those requirements within existing budgetary resources.

11. Finally, the Legal Counsel made a reference to the successful delivery of the second regional training course organized by the Division for Ocean Affairs and the Law of the Sea in cooperation with the Government of Sri Lanka in Colombo, from 16 to 20 May 2005, and expressed his thanks to the members of the Commission who had assisted the Secretariat in the delivery of the training courses as instructors and experts.

Item 2
Adoption of the agenda

12. The Chairman proposed the provisional agenda (CLCS/L.19) for consideration by the Commission. He proposed the insertion of an additional item entitled "Rule 52 of the rules of procedure of the Commission". The agenda was adopted as amended (CLCS/45).

Item 3
Organization of work

13. The Chairman outlined the programme of work and the schedule for the Commission's deliberations on the various items of the agenda.

Item 4
Consideration of the submission made by Brazil to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

14. Mr. Carrera, Chairman of the Subcommission established to examine the submission by Brazil, reported on the work carried out during the intersessional period and during the one-week meeting preceding the sixteenth session, from 22 to 26 August 2005. He stated that the Subcommission had undertaken further analysis of seismic, geologic, bathymetric and geomorphologic data. He informed the Commission about a letter from Brazil concerning the availability of Brazilian experts in New York from 22 August to 9 September 2005 and about a meeting of the Subcommission with those experts held on 24 August 2005. During that meeting, the Brazilian experts had made a presentation on various aspects of the submission of Brazil.

15. The Chairman of the Subcommission further highlighted the volume of remaining work before the Subcommission and, in that connection, the invaluable assistance by the GIS specialist from the Division for Ocean Affairs and the Law of the Sea. He informed the Commission that the Subcommission expected to be able to present the recommendations at the seventeenth session, on the understanding that there would be an intersessional meeting of the Subcommission prior to the plenary part of the seventeenth session. Regarding the legal opinion of the Legal Counsel of the United Nations prepared at the request of the Commission at its fifteenth session, he noted that the legal opinion was of direct relevance to the work of the Subcommission examining the submission of Brazil and would need to be taken into account during further examination of the submission.

16. The Chairman of the Subcommission reported that the Subcommission had agreed to meet in the two weeks prior to the scheduled beginning of the plenary part of the seventeenth session, i.e., from 20 to 31 March 2006. The Commission took note of the report and requested the Secretariat to continue providing the required technical support during the intersessional period and to make the necessary arrangements for the intersessional meeting of the Subcommission in New York.

17. Having subsequently considered the legal opinion issued by the Legal Counsel, the Commission took note of it and decided to act accordingly. The Commission further decided to forward the legal opinion to the four States that had made submissions so far, to post it on the website of the Commission managed by the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and to issue it as a document of the Commission. In addition, the Subcommission examining the submission of Brazil would convey the content of the opinion directly to the Brazilian experts. That had taken place at a meeting held on 31 August 2005.

18. During the discussion on the legal opinion, the members of the Commission agreed on the importance of due publicity given to the submissions and expressed their view that new information submitted by the coastal States during the consideration of its submission by the Commission should, in case of significant departures from the originally proposed outer limits of the continental shelf, be given due publicity. It was also agreed that the coastal State should provide the content of the information to be publicized, e.g., as an addendum or corrigendum to the executive summary. Many members were also of the opinion that sufficient time should be given to other States to express their views on the subject. They also pointed out that States should be aware of the practical consequences in case new particulars regarding the outer limit of the continental shelf beyond 200 nautical miles were submitted during the examination of a submission. Such consequences included substantial delays in the preparation of the recommendations by the Commission.

19. In the light of the legal opinion, the Commission considered the course of action with regard to the submission of Brazil and the new information of the outer limits of the continental shelf of Brazil as transmitted by the letter dated 24 March 2005 from the head of the delegation of Brazil addressed to the Chairman of the Subcommission. It was agreed that the Chairman of the Commission would address a letter to the Permanent Mission of Brazil to the United Nations, with a copy to the Secretary-General, inviting Brazil to prepare an addendum or corrigendum to the executive summary to be transmitted to the Commission through the Secretary-General. The Secretary-General would then give due publicity to the addendum or corrigendum.

20. The Commission took note of the request contained in the note verbale dated 23 August 2005 from the Permanent Mission of Brazil to the United Nations concerning the participation of the representatives of Brazil in relevant proceedings without the right to vote. It was noted that at that moment, no recommendations had been prepared by the Subcommission, but also that under the current rules of procedure of the Commission, the presence of the representatives of the coastal State during the consideration of recommendations of a subcommission was not envisaged. The Commission decided that a letter should be addressed to the Permanent Mission of Brazil to the United Nations explaining the situation and drawing its attention to the amendments concerning annex III to the rules of procedure.

Report of the Chairman of the Subcommission regarding the progress of work during the sixteenth session

21. During the second and third week of the sixteenth session (5-16 September 2005), the Subcommission made further progress in its examination of the submission of Brazil. On 9 September 2005, it held a third meeting with the Brazilian experts. During that meeting, the Chairman of the Subcommission transmitted to the delegation of Brazil the letter from the Chairman of the Commission addressed to the head of the Brazilian delegation, in which the Commission invited Brazil to prepare an addendum or corrigendum to the Executive Summary (see para. 20).

22. The Subcommission also discussed and agreed on its plan of work for the intersessional period. It decided that the delegation of Brazil should be invited for a

meeting during the first week of the seventeenth session of the Commission (20-24 March 2006). At that meeting, the Subcommission intended to conduct an exchange of views on certain substantive matters related to the submission of Brazil. The Subcommission also discussed the issue of the technical support provided by the Secretariat in the form of assistance by a GIS officer. The Subcommission noted that continuous GIS support was essential for the timely conclusion of the Subcommission's work, including the preparation of recommendations, and emphasized the urgent need to find an equally qualified replacement for the GIS officer whose contract was about to expire. The Subcommission conveyed its concern to the Director of the Division for Ocean Affairs and the Law of the Sea.

Item 5
Consideration of the submission made by Australia to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

23. Mr. Brekke, Chairman of the Subcommission established to examine the submission by Australia, reported on the work carried out during the intersessional period, in particular during the intersessional meeting held from 27 June to 1 July in the premises of the Division. The Chairman indicated that, before the beginning of the intersessional meeting, the Subcommission had received all the additional information it had requested from the delegation of Australia at the fifteenth session of the Commission. During the intersessional meeting, the Subcommission had transmitted to the Australian delegation further questions to which answers had been received before the sixteenth session. They were currently being reviewed by the Subcommission. The Subcommission had made considerable progress in the examination of the submission of Australia by the end of the intersessional meeting. The Chairman underlined, however, that in view of the volume of work that the examination of the submission by Australia entailed, the Subcommission had scheduled resumed meetings to be held in 2006 (see para. 24).

Report of the Chairman of the Subcommission regarding the progress of work during the sixteenth session

24. Mr. Brekke, Chairman of the Subcommission established to examine the submission by Australia, reported on the work carried out during the sixteenth session, stating that the Subcommission has made considerable progress in the examination of the submission of Australia. During the session, the Subcommission had held four meetings with the Australian delegation that was present in New York for clarifications and discussion on matters related to the examination of the submission. The Subcommission aimed to submit its final recommendations to the Commission in time for it to be considered by the Commission before the next election of the members of the Commission. The Chairman underlined that in view of the volume of work that the examination of the submission by Australia entailed, the Subcommission had scheduled six weeks of resumed meetings to work in the premises of the Division in 2006 in addition to the individual work of the Subcommission members in the intersessional periods. The resumed meetings of the Subcommission in the Division in 2006 would be from 27 to 31 March, from 10 to 21 April and from 28 August to 15 September, respectively.

Item 6
Consideration of the submission made by Ireland to the Commission pursuant to article 76, paragraph 8, of the 1982 United Nations Convention on the Law of the Sea

25. Mladen Juračić, Vice-Chairman, chaired the meetings of the Commission during consideration of agenda item 6. Declan Smyth, Law of the Sea Director, Department of Foreign Affairs of Ireland, who was the head of the delegation of Ireland, made a presentation on the submission of Ireland. In addition to elaborating on substantive points of the submission, he informed the Commission that Peter Croker, a member of the Commission, had assisted Ireland in the preparation as scientific and technical expert. Following the presentation, the representatives of Ireland responded to questions posed by the members of the Commission. Mr. Smyth also addressed issues related to the maritime claims of neighbouring States, including the positions of Denmark and Iceland as reflected in the communications addressed to the Secretary-General in connection with the Irish submission. The members of the delegation of Ireland were thanked for their presentation and the Commission then continued in private session.

26. The Commission addressed the modalities for the consideration of the submission. It decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure of the Commission, the submission of Ireland would be addressed through the establishment of a subcommission.

27. For the purposes of establishing such a subcommission, the Commission decided to follow the procedure described in paragraphs 19 and 20 of the statement of the Chairman (CLCS/42), which had also been followed since (see CLCS/44, para. 27). On the basis of that procedure, the Commission had established the Subcommission to examine the submission of Ireland, composed of the following members: Hilal Mohamed Sultan Al-Azri, Indurlall Fagoonee, Noel Newton St. Claver Francis, Mihai Silviu German, Abu Bakar Jaafar, Yuri Borisovitch Kazmin, and Philip Alexander Symonds.

28. The Commission requested the Subcommission to meet with a view to organizing its work, electing its officers and providing, on the basis of a preliminary examination of the submission, a time estimate for its work.

29. At a resumed plenary session of the Commission, following the initial meeting of the Subcommission, Mr. Jaafar informed the Commission that the Subcommission had elected him as Chairman and Mr. Kazmin and Mr. Francis as Vice-Chairmen. The Subcommission had also requested the assistance of Mr. Pimentel as an expert in hydrography.

30. The Chairman of the Subcommission informed the Commission that the Subcommission had proceeded with its preliminary examination of the submission and the data accompanying it. On the basis of that examination, the Chairman reported that the Subcommission would require more time after the sixteenth session and had therefore decided to meet from 10 to 21 April and from 28 August to 8 September 2006.

Report of the Chairman of the Subcommission regarding the progress of work during the sixteenth session

31. During the sixteenth session, the Subcommission held 10 meetings between its establishment on 30 August 2005 and the end of the session on 16 September 2005. It consulted the delegation of Ireland during four meetings, from 6 to 9 September 2005. During those meetings, the Subcommission addressed a number of points for which it requested clarifications of either a formal or a substantive nature, and posed questions in writing to the Irish delegation, which provided written responses to most of them. For the remaining ones, it was agreed that the Irish delegation would provide written answers during the intersessional period.

32. In view of the volume of work required by the examination of the submission, the Subcommission, after having consulted both the delegation of Ireland and the Secretariat, agreed to meet for a resumed sixteenth session during the period from 23 to 27 January 2006. In the course of that week, the Subcommission would continue beyond its preliminary examination into data verification and confirmation of methods and methodologies with the support of technical staff and access to GIS facilities of the Division for Ocean Affairs and the Law of the Sea.

33. In that connection, when addressing the issue of GIS technical support provided by the Secretariat, the Subcommission noted that it was essential for its future work and brought to the attention of the Director of the Division for Ocean Affairs and the Law of the Sea its concerns that a GIS officer be hired to replace the one whose contract was about to expire and whose support had been extremely valuable, even under the constraints imposed on his work by other submissions.

34. The Commission took note of the report and requested the Secretariat to provide adequate technical support during the intersessional period and to make the necessary arrangements for the meeting of the Subcommission in New York.

35. In a meeting between the officers of the three Subcommissions dealing with the submissions of Brazil, Australia and Ireland, respectively, it was agreed on a consistent practice regarding the interaction between the submitting State and the Subcommission under the amended annex III to the rules of procedure of the Commission. It was decided to allow for extensive interaction with the submitting State at the level of the Subcommission, by which both the State and the Subcommission might take the initiative to call for meetings. The agreement also included the practice that, at an advanced stage of the examination of the submission, the Subcommission would call for a meeting with the coastal State to give a comprehensive presentation on the Subcommission's preliminary views and concerns regarding the submission. The coastal State would have the opportunity to respond to the presentation within a reasonable time. The Subcommission would thereafter finalize its recommendations to be submitted to the Commission.

Item 7
Report of the Chairman on the fifteenth Meeting of States Parties

36. At its fifteenth session, the Commission had decided that, in order to draw the attention of the Meeting of States Parties to the difficulties posed by the projected workload associated with the future submissions by coastal States, "in addition to

sending a letter addressed to the President of the Meeting, the Chairman of the Commission should make a detailed presentation at the Meeting of States Parties on the workload facing the Commission in connection with the examination of the submissions, both actual and projected, including quantification of hours and resources required to complete the necessary tasks" (CLCS/44, para. 51). At the sixteenth session the Chairman reported to the Commission about his participation in the fifteenth Meeting of States Parties. He shared with the members of the Commission the presentation that he had delivered to the Meeting.[1] He informed the Commission that he had emphasized that the presentation reflected his views and not necessarily those of the Commission and that the Chairmen of the current Subcommissions had not given estimates as to the completion of the work on the submissions under their examination.

37. One member of the Commission noted that the presentation made by the Chairman at the Meeting of States Parties contained, in his view, some underestimates with regard to the projected workload of the Commission, since the number of States that would make a submission was probably higher than that contained therein, and the possibility that States might make partial and new or revised submissions had not been taken into account.

38. During the debate that followed, it was noted that the Commission needed to increase the number or duration of sessions convened each year. It was underlined, however, that there were constraints on time and funding to allow members of the Commission, whose participation was financed by their Governments, to spend an increased amount of time in New York as the States parties had not foreseen such a heavy workload and financial implications. In order to find a satisfactory solution, it was decided that the matter would be brought to the attention of the General Assembly and the Meeting of the States Parties.

Item 8
Rule 52 of the rules of procedure of the Commission

39. The Chairman informed the Commission that during the debate that had taken place under the agenda item entitled "Other matters" at the fifteenth Meeting of States Parties, several delegations had expressed their concern regarding the consistency of rule 52 of the rules of procedure of the Commission with the provisions of article 5 of annex II to the Convention. He indicated that the Meeting had agreed that the concerns of States parties expressed at the Meeting would be reflected in the report of the Meeting and brought to the attention of the Commission. He also noted that although the Meeting had decided that individual States were free to address separate communications on the issue to the Commission, no such communications had been received to date, other than that from Brazil. The Chairman informed the Commission that the Meeting had agreed that it might revisit the matter if necessary.

40. The members of the Commission exchanged views on rule 52 of the rules of procedure and the related section VI of annex III to those rules. In that context, the Chairman of the Commission informed the members about the note verbale dated 23 August 2005 from the Permanent Mission of Brazil to the United Nations addressed to the Secretary-General regarding the intended participation of the representatives of Brazil in the proceedings of the Commission related to the

recommendations of the Subcommission on the establishment of the outer limits of the Brazilian continental shelf.

41. Views were exchanged on possible mechanisms to accommodate the concerns of coastal States, as conveyed in the note verbale from Brazil and in the statements of several delegations during the fifteenth Meeting of States Parties. In particular, the members of the Commission contemplated a possible mechanism by which the coastal State would be appraised of the content of the recommendations proposed by a Subcommission to the Commission and would be given the opportunity to express its position at the final stages of the consideration of the submission and draft recommendations. While it was agreed that it would not be appropriate for the recommendations prepared by the Subcommission to be released directly to the coastal State without the Commission having an opportunity to review it, divergent opinions continued to be articulated with regard to the specific modalities of interaction of the Commission with the coastal State at that stage of the consideration of the submission.

42. Regarding possible amendments of the rules of procedure, some members pointed out that they were necessary in the light of the concerns of States parties, although they remained flexible in respect to the possible scope of such amendments. Some other members stated that they were opposed to any amendments to the rules of procedure as they were, in their current form, adequate in order to allow for the interaction with the submitting States and, at the same time, to guarantee the impartiality of the process and the privacy of the discussions within the Commission during the consideration of the recommendations prepared by the Subcommissions.

43. The Commission decided to establish a working group coordinated by Mr. Carrera and invited the group to identify possible solutions. The working group prepared a paper entitled "Draft proposals for the modification of section III (6) and section VI (15) of annex III to the rules of procedure of the Commission on the Limits of the Continental Shelf".

44. According to that draft proposal, two additional paragraphs would be inserted in section III (6) (Clarifications) of annex III to the rules of procedure, which read:

> "3. The coastal State may provide additional clarification to the Subcommission on any matters relating to the submission.
>
> "4. If necessary, the head of delegation of the coastal State may, through the Secretariat, provide additional clarification to the Subcommission on any matters relating to the submission. Clarifications can be provided in the form of presentations or additional materials and translated by the Secretariat, if necessary, into the working language of the Subcommission. If the delegation of experts from the submitting State is available at the United Nations Headquarters in New York, the communication should be combined with consultations between the national experts and members of the Subcommission at meetings arranged by the Secretariat."

45. Furthermore, section VI (15) (Definition of relevant proceedings) of annex III to the rules of procedure would be amended to contain subparagraph (c), which read:

"(c) Meetings at which the representatives of the coastal State wish to provide additional clarification to the Subcommission on any matters relating to the submission."

Also, in paragraph 1, the words "two proceedings deemed relevant for all submissions", would be amended to read "three proceedings deemed relevant for all submissions".

46. The Commission undertook a debate on the draft paper. Following that debate, it was proposed that the Commission adopt by consensus the draft amendments to the rules of procedure as contained in the above-mentioned paper, on the understanding that the rules would remain open to further amendment.

47. The Commission then adopted the amendments to the rules of procedure by consensus. Since the Commission had not exhausted its deliberations of this subject matter, the item would be included in the agenda of the seventeenth session.

Items 9 and 13
Training issues (including the preparation of the training manual) and Report of the Chairman of the Training Committee

48. Vladimir Golitsyn, Director of the Division for Ocean Affairs and the Law of the Sea, informed the Commission on the activities carried out by the Division with regard to training courses for the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for the preparation of submissions to the Commission and the training manual. He updated the Commission on the outcome of the second training course, which had been organized in collaboration with the Government of Sri Lanka and the Commonwealth Secretariat, in Colombo from 16 to 20 May 2005.

49. The training course was attended by 40 technical and administrative staff of 12 developing States from the Indian Ocean region: Bangladesh, India, Kenya, Madagascar, Mauritius, Mozambique, Myanmar, Pakistan, Seychelles, South Africa, Sri Lanka and United Republic of Tanzania. The various components of the course had been delivered by Karl Hinz and Iain Lamont (former members of the Commission), Harald Brekke, Galo Carrera and Yong-Ahn Park (current members of the Commission), as well as staff members of the Division. The Director extended his appreciation to all current and former members of the Commission who had contributed to the success of the course. He underlined that the feedback received from the participants in the training course had shown that the course had been received positively and perceived as extremely useful. At its end, the participants had acquired and demonstrated a general understanding of the process and procedures involved in the delineation of the outer limits of the continental shelf beyond 200 nautical miles.

50. The Director expressed his gratitude to the Government of Sri Lanka for its fundamental support, which was of particular significance in view of the difficulties faced by Sri Lanka after the tsunami and the fact that the Government was hosting a major donor conference for the tsunami-relief efforts in Kandi and that the training course had taken place just before a major national holiday. The Director with deep regret informed the Commission about the tragic passing away of Lakshman

Kadirgamar, former Minister for Foreign Affairs of Sri Lanka, who had been instrumental in making the course possible. The Director informed the Commission that he had personally conveyed the condolences of the Division and of the members of the Commission who had met Mr. Kadirgamar during the training course to the family of Mr. Kadirgamar and to the Government of Sri Lanka, through the Permanent Mission of Sri Lanka to the United Nations.

51. The Director reported on the progress in the organization of the third and fourth training courses. The third regional course would be held in Ghana from 5 to 9 December 2005, for developing African States in the Atlantic Ocean with a potential extended continental shelf, in collaboration with the Government of Ghana, the Commonwealth Secretariat and the African Union. The fourth regional course would be held in Argentina for developing States from the Latin America and Caribbean regions with a potential extended continental shelf. The latter course, which would be organized by the Division in collaboration with the Government of Argentina and with the support of the Commonwealth Secretariat, was tentatively scheduled for May 2006.

52. The Director also informed the Commission that, following the process of validation provided by the courses in Fiji and Sri Lanka, the Division was now in the process of finalizing the training manual, taking into account the suggestions made by the participants and instructors on those courses. The Commission took note of the information provided by the Director.

53. Following the presentation by the Director of the Division, Galo Carrera, on behalf of the instructors who had participated in the course in Sri Lanka, and of the members of the Commission, expressed condolences for the untimely passing away of Mr. Kadirgamar, and recalled his strong interest in the law of the sea and his support for the Commission and the implementation of article 76 of the Convention.

Report of the Chairman of the Training Committee

54. The Chairman of the Training Committee, Mr. Brekke, reported that the Committee had not met during the sixteenth session. He reported on the involvement of the members of the Commission in the training courses organized by the Division in cooperation with States and international organizations and on the planned participation of four members of the Commission in the training course in Ghana, in December 2005.

55. The Commission conducted an in-depth discussion of matters of training. The Chairman and several members of the Committee reiterated the understanding that the Commission did not have a mandate to undertake training activities directly and that the training courses for delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of submissions to the Commission as well as the training manual had been developed by the Division for Ocean Affairs and the Law of the Sea, with the contribution of some members of the Commission who acted in their personal capacity. It was also underlined, however, that Commission documents drafted by the Training Committee had been of fundamental importance in the development of such courses and manual, as well as of other courses organized on the subject matter. The view was expressed that in the future the Committee should review such documents in order to reflect developments in the practice of the Commission. The view was expressed that the mandate of the Training Committee should be revised in order to enhance its contribution to the

capacity-building efforts and that the Chairman of the Training Committee should pursue the consultations with the Division for Ocean Affairs and the Law of the Sea on the modalities of the cooperation between the Commission and the Division (see CLCS/44, para. 46). The Commission took note of the report of the Chairman of the Committee and decided that he should consult with other members of the Committee in order to prepare a proposal for the revision of the mandate of the Committee to be examined by the Commission at its next session.

Item 10
Technical facilities and financial issues related to meetings of the Subcommissions

56. The members of the Commission expressed concern as to the technical facilities available to the meetings of the Subcommissions. With the establishment of the Subcommission that was going to examine the Irish submission, there were now three Subcommissions that would be concurrently examining submissions. However, there were only two GIS laboratories in the Division for Ocean Affairs and the Law of the Sea currently available for meetings of Subcommissions. Moreover, there were only two GIS specialists available and the members noted with concern that the services of one of the specialists might be retained for only two more weeks. There was also a need for increased office space and computer equipment for the members of the Commission and for additional hardware and software. The Chairman read out a copy of his letter dated 6 July 2005 addressed to the Legal Counsel, which had outlined his concerns about technical facilities and financial issues.

57. The Director of the Division informed the Commission that the Division had a conference room that could be made available to the Subcommissions but that it had no extra office space. There was no third GIS laboratory and no possibility of obtaining one within the current budgetary biennium.

58. The Commission considered how best to address the issue and decided that it would increase the number of times that the Subcommissions meet and that a letter should be written to the Secretary-General pointing out the above-mentioned concerns, in particular in view of the increasing number of submissions that it would be receiving. The letter should also point out that, even if the current working arrangements of the Commission were changed to allow it to meet on a more permanent basis, the additional requirements for expert support and technical facilities would continue to be needed in the light of the number of submissions expected in the coming years. The Chairman said that he would also meet with the Under-Secretary-General for Legal Affairs, the Legal Counsel, and convey to him personally the points made in the letter.

Item 11
Report of the Chairman of the Editorial Committee

59. The Chairman of the Editorial Committee, Mr. Fagoonee, reported on the work of the Committee during the sixteenth session. He informed the Commission that the Committee had discussed the information note on internal guidelines for members

of the Commission, prepared by the Secretariat at the request of the Commission made at the fifteenth session.

60. A working group was formed to draft a document using the Secretariat's note as a basis and the group had subsequently presented to the Committee a document entitled "Internal code of conduct for members of the Commission on the Limits of the Continental Shelf". The document, after some modifications by the Committee, was submitted by the Chairman of the Editorial Committee to the Commission for adoption as a Commission document. The Commission took note of the report of the Chairman of the Editorial Committee and adopted the internal code of conduct as submitted in the document. It was also agreed that it would be issued as a separate document of the Commission and posted on the website of the Commission.

Item 12
Report of the Chairman of the Scientific and Technical Advice Committee

61. The Chairman of the Scientific and Technical Advice Committee, Mr. Symonds, stated that the Committee had met on 1 September 2005. He reported that the Committee had not received a specific request for scientific and technical advice, although it had received a request of a general nature, on the type of technical assistance available, from the Ministry of Foreign Affairs of Cuba.

62. The Chairman of the Standing Committee reported on the issue of biographical notes, stating that most biographical notes had been posted on the website of the Division, together with the curricula vitae of the members of the Commission. In addition, the Chairman reported that after liaison with the Secretariat on the layout of the web page devoted to the Commission, progress had been made so that the website would reflect more clearly the role of his Committee. However, the changes made were yet to be reflected.

Item 14
Other matters: other meetings/conferences of interest

63. The members of the Commission exchanged information on meetings/conferences of interest, taking place in the remainder of 2005 and during 2006.

Future sessions of the Commission

64. Based on information provided by the Chairs of the three Subcommissions, the Commission decided that two sessions would be held in 2006. The seventeenth session would be held from 20 March to 21 April, on the understanding that the following periods would be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division: from 20 to 31 March and from 10 to 21 April 2006. Thus, the plenary meetings would be held from 3 to 7 April 2006. The eighteenth session would be held from 21 August to 15 September 2006, on the understanding that the following periods would be used for the technical examination of submissions at the GIS laboratories and other technical facilities of the Division: from 24 August to 5 September and from 11 to

15 September 2006. Thus, the plenary meetings would be held from 21 to 23 August and from 6 to 8 September 2006.

65. The Commission would advise the General Assembly, through the Secretariat, of its requirements for conference facilities for the seventeenth and eighteenth sessions accordingly.

Matter relating to by-elections

66. The Chairman drew the attention of the members of the Commission to rule 8, By-elections, of the rules of procedure which read: "If a member of the Commission dies or resigns or for any other cause can no longer perform his or her duties, the Meeting of States Parties shall elect a member for the remainder of the predecessor's term. Such by-elections shall be carried out in accordance with article 76 and annex II to the Convention."

67. The Commission agreed that a letter should be addressed to the member of the Commission who continuously failed to attend the sessions of the Commission, through the Permanent Mission to the United Nations. The letter would invite that member to attend the next session or to submit his resignation. The Commission further agreed that the matter would be brought to the attention of the member's Government authorities and that the Chairman would inform the Meeting of States Parties accordingly.

Matters related to access to United Nations premises

68. The members of the Commission re-emphasized that their current "consultancy" passes did not guarantee them convenient access to the main United Nations premises and that they were frequently delayed at the visitor security checkpoints while on their way to the scheduled meetings of the Commission. They enquired whether the Secretariat had addressed the issue. The Director informed the Commission that a decision regarding the ground passes was the responsibility of the Protocol Office and that the attention of that Office had been drawn to the matter. The Commission decided to reflect the matter in a letter from the Chairman to the Secretary-General of the United Nations.

Health issues

69. One member recalled that the issue of medical coverage for the members of the Commission had been raised with the Secretariat on the occasion of the fifteenth session of the Commission and requested the Secretariat to provide up-to-date information on the issue. The Director of the Division responded that upon receipt of the request for clarification regarding the medical coverage, the Division transmitted the matter to the Office of the Legal Counsel for advice. At the time of the sixteenth session, no definitive response had been received by the Division. The Commission agreed that in the absence of a clarification of the matter, the Chairman would bring it up during his anticipated meeting with the Legal Counsel.

70. Mr. Golitsyn, Director of the Division, reported on the status of the Trust Fund established by the General Assembly in its resolution 55/7 of 30 October 2000 for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. He said that three members of the Commission had received assistance from the Fund in connection

with the meeting of the Subcommission established to examine the submission of Australia, held from 27 June 2005 to 1 July 2005, and that five members of the Commission had received assistance from the Fund for the purpose of attending the sixteenth session of the Commission, including the one-week intersessional meeting of the Subcommission established to examine the submission of Brazil, held from 22 to 26 August 2005. He pointed out that the balance of the Trust Fund was $55,804 and that, at the current rate of use of the Fund, which was approximately $40,000 per session, assistance from the Fund would probably cover only the next session of the Commission. The members of the Commission expressed concern about the limited amounts of funds available and urged States to make additional contributions to the Trust Fund.

71. The Commission renewed its expressions of appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff, for the assistance and services provided during its current session.

Notes

[1] See SPLOS/135, paras. 66-69, for further details on the presentation made by the Chairman of the Commission at the fifteenth Meeting of States Parties.